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*Attorneys for Defendants  
Orgenus Pharma Inc. and Orchid  
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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

WYETH,

Plaintiff,

v.

ORGENUS PHARMA INC.

and

ORCHID CHEMICALS &  
PHARMACEUTICALS LTD.,

Defendants.

Civil Action No. 3:09-cv-03235  
(FLW)(DEA)

**DECLARATION OF DARRYL H.  
STEENSMA IN SUPPORT OF  
ORCHID'S MOTION TO COMPEL  
PRODUCTION OF DOCUMENTS**

I, Darryl H. Steensma, hereby certify pursuant to 28 U.S.C. § 1746 that:

1. I am an attorney-at-law in the State of California, am associated with the law firm of Latham & Watkins, LLP, attorneys for Defendants Orgenus Pharma Inc. and Orchid Chemicals & Pharmaceuticals Ltd. (collectively, "Orchid") in the above-captioned matter, and have been admitted *pro hac vice* by this Court in the above-captioned matter.

2. Attached as Exhibit 1 is a true and correct copy of Orchid's April 22, 2010 letter brief requesting the Court to compel Wyeth to produce documents.

3. Attached as Exhibit 2 is a true and correct copy of Orchid's First Set of Requests for Production to Plaintiffs dated September 21, 2009.

4. Attached as Exhibit 3 is a true and correct copy of Wyeth's April 30, 2010 letter in opposition to Orchid's letter brief requesting the Court to compel Wyeth to produce documents.

5. Attached as Exhibit 4 is a true and correct copy of Orchid's May 4, 2010 reply letter in support of its letter brief requesting the Court to compel Wyeth to produce documents.

6. Attached as Exhibit 5 is a true and correct copy of Orchid's Noninfringement and Invalidity Contentions dated November 30, 2009.

7. Attached as Exhibit 6 is Wyeth's Initial Disclosure Statement dated October 1, 2009.

8. Attached as Exhibit 7 is a true and correct copy of the Joint Discovery Plan for this litigation dated November 5, 2009.

9. Attached as Exhibit 8 is a true and correct copy of *Semiconductor Energy Lab. Co. v. Chi Mei Optoelec. Corp.*, No. 04-4675, 2006 WL 3826726 (N.D. Cal. Dec. 27, 2006).

10. On November 5, 2009, counsel for Wyeth and Orchid met and conferred in a good faith attempt to resolve their dispute over the discoverability of Wyeth's settlement and license agreements arising from prior litigations relating to the patents at issue. The parties were unable to resolve the dispute at that time.

11. During a May 5, 2010 telephonic conference with the Court, Wyeth maintained its refusal to produce either the license or settlement agreements and later rejected the Court's offer of *in camera* review of these agreements.

12. At a July 7, 2010 settlement conference before the Court, Wyeth confirmed its refusal to produce prior settlement and license agreements.

I hereby certify under penalty of perjury that the foregoing is true and correct.

Executed this 9<sup>th</sup> day of July, 2010

/s/ Darryl H. Steensma  
Darryl H. Steensma